

REMARKS

Claims 1-6, 8-19 and 21 are pending in the present application. Claims 1-6, 8-11, 13-19 and 21 stand rejected under 35 U.S.C. Section 101. Claims 1-6, 8-19 and 21 stand rejected under 35 U.S.C. Section 112, First Paragraph. Claims 1-6, 8-19 and 21 stand rejected under 35 U.S.C. Section 112, Second Paragraph. Claims 1-6, 8-19 and 21 stand rejected under 35 U.S.C. Section 102(b). Claims 1-6, 8-19 and 21 stand rejected under 35 U.S.C. Section 103(a). Claims 12-21 have been deleted by this amendment. Claims 22-26 have been added by this amendment.

The Examiner has rejected Claims 1-6, 8-11, 13-19 and 21 stand rejected under 35 U.S.C. Section 101, because the claimed method of broadcasting multimedia information does not recite a useful, concrete and tangible result. It is noted that the various steps recited in Claim 1 contain recitations of descriptive material that cannot exhibit any functional inter-relationship with the way in which computing process are performed and as such does not constitute a statutory process, machine, manufacture or composition under 35 U.S.C. Section 101.

In the Specification, the Applicant has described in detail a computer system which is configured for transmitting multimedia information and commercials to computer users who are logged into the network server. Claims 1-6 and 8-11 describe the steps performed by the network server in broadcasting this multimedia information and commercials. The broadcasting of data from one computer (the network server) to a second computer (the personal computer of a system user) is a tangible result and as such methods and systems configured towards this end are statutory subject matter under 35 U.S.C. Section 101.

Further, as is very well known in the art, a server is a computer device which is connectable to a data network which manages network resources. Still further, a network server is known as a computer that manages network traffic. It would be clear to one skilled in the art

that what is described in the Specification and recited in Claims 1-6 and 8-11 is the operation of a computer device (network server). As such the steps of detecting, using, accessing, retrieving and transmitting are all terms which are associated with the operation of a computer device such as a network server. The mere fact that in some interpretation a human may perform one or more of these steps should not be the deciding factor. Instead, if an interpretation exists which covers statutory subject that is the interpretation that should apply.

Throughout the Specification, the applicant has described the operations the network server as an electrical device. For example, the specification describes that the broadcast device is a network server which includes the necessary hardware and software in order to access video and audio information and then provide this information to some users with the capability to receive this information (See Page 2, Line 23 to Page 3 Line1). In short, the Applicant always intended that the network server be defined as a computer device and the Specification fully supports this.

The Examiner has rejected Claims 1-6, 8-19 and 21 under 35 U.S.C. Section 112, First Paragraph as containing subject matter which is not described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner notes a number of features for which this rejection applies. As a general comment, it should be noted that none of the component features of the Applicant's invention are novel or non-obvious when viewed in isolation. In other words, the novelty and inventiveness of the Applicant's invention lays in the combination of the elements.

None of the recited features by Examiner would not be understood by those skilled in the art. For example, in the detection of a commercial break, it is well known in the art that

multimedia files can include counters or that the network server may be configured to interrupt transmission of a file at a certain time in order to insert a commercial. With regards to the identifying an appropriate commercial step, this portion has been amended to now recite that the commercial database is accessed and a commercial associated with the demographics of the system user is retrieved. The searching of a relational database in order to identify an entry is well known in the art. An example of a relational database table for commercials is shown in Fig. 17, where each commercial may include a broadcast criteria which is used to match the demographics of the system user.

With regards to transmitting the appropriate commercial step, it is also well known that multimedia files may be automatically accessed and transmitted via the connections established by the system user. More specifically, this type of data retrieval and narrowcasting of multimedia files is also well known in the art. As such the Examiner's rejection under 35 U.S.C. Section 112, First Paragraph is respectfully traversed.

The Examiner has rejected Claims 1-6, 8-19 and 21 under 35 U.S.C. Section 112, Second Paragraph as being indefinite for failing to particularly point out and distinctively claim the subject matter which is regarded as the invention. The current rejection is identical to the rejection included in the first Examiner's Action. In the Applicant's previous Response all of these issues were addressed in the amendments to the claims. As such the Examiner's rejection under 35 U.S.C. Section 112, Second Paragraph is respectfully traversed.

The Examiner has rejected Claims 1-6, 8-19 and 21 under 35 U.S.C. Section 102(b) as being clearly anticipated by U.S. Patent No. 4,331,974 (Cogswell et al.), U.S. Patent No. 5,155,591 (Wachob), U.S. Patent No. 5,446,919 (Wilkins), U.S. Patent No. 5,515,098 or U.S. Patent No. 5,661,516 (Carles), and U.S. Patent No. 5,600,364 (Hendricks et al.). Further the

Examiner has rejected Claims 1-6, 8-19 and 21 under 35 U.S.C. Section 102(e) as being anticipated by published application WO 99/46708 (Meyer et al.) and published application WO 00/01775 (Miller et al.) or U.S. Patent No. 6,298,348 (Eldering). In light of the amendments to the claims and the arguments made below the Applicant respectfully traverses the rejection.

Cogswell et al. discloses a signal substitution system for cable television network. In a cable television network, a normal channel of broadcasting is transmitted over the network as well as a substitute signal. The cable box at the viewer's television is configured with control means responsive to the signal substitution signal for selectively switching to the substitute television program. The system is further configured so that it detects which channel a cable viewer is viewing.

This reference does not anticipate the Applicant's invention because Cogswell et al. does not teach or suggest a network server accessible over the world wide web wherein a system viewer may login and select a hypertext link in order to view one or more multimedia presentations. Further, this reference does not teach that a viewer's IP address may be associated with their demographics and while receiving a multimedia presentation, a commercial may be inserted in the transmission directed at that system user's demographic.

Wachob teaches a cable television network in which different commercial messages are broadcast to different demographically targeted audience. In this network cable system, a viewer may provide their demographic information and based on the processing of this information receive one of a number of different channels. Wachob does not anticipate the Applicant's invention for the same reasons provided above with regards to Cogswell et al.

Wilkins teaches another cable television system whereby multiple channels with different commercials are transmitted to different homes. In Wilkins the programming for selecting a

particular channel is done locally. Profile information stored locally is compared to information received from the cable head and based on that comparison a channel is selected. This reference also does not anticipate the Applicant's invention for the same reasons as given for Cogswell et al. above.

Carles discloses a device and method for distributing commercial messages to individually addressable subscriber terminals on a network. According to the system, each subscriber employs a converter box which is addressable by a central controller. In particular, commercials are transmitted to a converter box associated with a particular subscriber. During a commercial break the converter box is directed to change to a channel which is carrying a commercial directed at the particular viewer demographic. When the commercial is complete, the converter changes back to the original channel and viewing continues.

As with the references described above, this reference also does not teach the detection of a system user logged in over the World Wide Web to a network server. Further, this reference does not teach that one or more hypertext links may be presented which are selectable so that a viewer may view a multimedia presentation.

Hendricks et al. discloses a network controller for use with a digital cable network which is capable of monitoring and controlling set top terminals in a television program delivery. As with the other references described above, this reference does not anticipate the Applicant's invention because it does not disclose the detection of a user logged into a network server and the presentation of one or more hypertext links which are selectable in order to view a multimedia presentation. Further, this reference does not teach that based on the provided demographics, a commercial may be retrieved from memory and inserted at commercial breaks within the multimedia presentation.

Meyer et al. discloses a system for electronically distributing and dynamically displaying to a consumer over a computer network promotional incentives. This reference does not anticipate the Applicant's invention because it does not disclose a broadcast server to which a system user may logged into and then be identified. Further, based on this identification demographic information may be retrieved and used to select a commercial.

Rangan et al. discloses streaming digital hypervideo to subscribers over a computer network. The system is configured such that it provides a unique URL for a subscriber to select whereby upon selection stored multimedia content may be streamed to the system user.

The Applicant's invention is not anticipated by this reference because Rangan et al. does not teach a system or method which also transmits commercials in the same manner in which the multimedia content is transmitted. In Rangan et al., a hypertext link is presented in the multimedia content which is then selectable by a viewer. The presented hypertext link is chosen by the system based on the system demographics. The difference between the Applicant's invention and this reference is that in the Ragan et al. reference the system user must further select this hypertext links in order to view the commercial content.

Hertz et al. discloses a system and method for scheduling the simultaneous distribution of multimedia content from many sources. A system user may access a virtual channel whereby content selected by that particular subscriber and/or viewer may be provided.

This reference does not anticipate the Applicant's invention because as with a number of references cited above, the system is directed towards creating individual channels which a subscriber or the subscriber system may select for the receiving content instead of custom insertion of commercials in streaming multimedia content.

Miller et al. is directed towards a collaborative system which allows members of a group

to collaborate on a project over a computer network. Various modes of communication may be established between the parties whereby desired pieces of information are exchangeable. The Applicant has studied the cited reference and cannot find no teaching of a multimedia transmitting system whereby demographically selected commercials are inserted in multimedia content.

Eldering discloses a consumer profiling system in which consumer purchases and other activities are monitored. This information may then be further employed to create a consumer profile. While this reference does teach the creation of a demographic profile it does not teach using that profile in the selecting of commercials which are inserted in multimedia content. As such in light of the arguments made above the Examiner's rejection under 35 U.S.C. Section 102(b) and (e) are respectfully traversed.

The Examiner has rejected Claim 1-6, 8-19 and 21 under 35 U.S.C.S Section 103(a) as being unpatentable over an obvious variation of the Examiner's personal experience of receiving advertising during the NFL Super Bowl. In light of the arguments made below the Applicant respectfully traverses the rejection.

Although it is acknowledged by the Applicant that demographic studies are extensively employed in creating and selecting commercials to broadcast during the Super Bowl, the system and method described by the Applicant is significantly different than how it is done during normal broadcast T.V. In the Applicant's system a network server is employed which system users may access over the World Wide Web. Once accessed, demographic information may be received from the system user and one or more hypertext links provided whereby the system user may select one or more of them and view their own selected multimedia content. At the assigned commercial break during the transmission of the multimedia content, the commercials may be

selected based on the demographics provided by the system user and this information employed in order to select and insert a commercial in the multimedia content.

The Applicant is unaware that it is possible to view the Super Bowl by accessing a website over the world wide web, to select a hypertext link to view the game, and then have commercials selected according to provided demographics. The technology for receiving and viewing the multimedia content over the World Wide Web is significantly different than the technology employed in broadcast television. Commercials are not selected based on your demographic information so that you will view a commercial which is different than your neighbors.

The fact that content may be individually transmitted provides the option such that it may be changed based on the system user receiving it. Such options are not available for broadcast T.V. because system users do not log into a system and provide information. As such in light of the amendments made to the claims and the arguments made above the Examiner's rejection under 35 U.S.C.S Section 103(a) are respectfully traversed.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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